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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,887

11/04/2003

Rodney K. Blank

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2886

28101

7590

03/17/2005

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EXAMINER

TRIEU, VAN THANH

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/605,887

Applicant(s)

BLANK ET AL.

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 26-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/16/04 & 3/19/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## ***DETAILED ACTION***

### ***Oath/Declaration***

1. It does not include the notary's signature.

Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth above. The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by **O'Farrell et al** [US 5,871,275].

Regarding claim 1, the claimed a vehicular rearview mirror system suitable for use in a

vehicle having a vehicle control and the vehicle control generating an output having a particular protocol representing a state of the output (vehicle rearview mirror system 10 operates to rotate the mirror reflective element 20 and to actuate light 28 in response to the vehicle control including the vehicle operating input 68, reverse gear input 70, vehicle head light control circuit, and door status, see Figs. 1 and 6-8, col. 1, lines 53-67 and col. 2, lines 1-29); the vehicular rearview mirror system comprising: the variable reflective element in response to assuming a partial reflectance level a drive signal (the reflective elements 20 are continuously variable and exhibit multiple partial reflectance stats as the voltage applied thereto is varied, see Figs. 1 and 9, col. 3, lines 15-36 and col. 4, lines 10-15); and the mirror control responsive to the output of the vehicle control for generating at least one mirror control output, the at least one mirror control output including a value for the drive signal, the mirror control determining a protocol of the output of the vehicle control including monitoring the output of the vehicle control and attempting to conclude a state of the output of the vehicle control (the mirror control 34 includes an illuminated power tilt control 27 to made up of a mirror tilt control 36, which in responds to the reverse gear selector 48 by operating mirror actuator 22 in order to rotate reflective element 20 and to illuminate the light 28, see Figs. 1 and 8, col. 2, lines 7-22 and col. 4, lines 32-43).

Regarding claim 2, all the claimed subject matters are cited in respect to claim 1 above, and including the reverse gear selector 38, the door lock or unlock and the interior security light, see Fig. 8, col. 4, lines 32-67 and col. 4, lines 1-17.

Regarding claim 3, all the claimed subject matters are cited in respect to claim 2 above.

Regarding claim 4, all the claimed subject matters are cited in respect to claim 3 above, see Fig. 8, col. 4, lines 32-43.

Regarding claim 5, all the claimed subject matters are cited in respect to claim 2 above, see col. 4, lines 43-52 and col. 5, lines 49-62.

Regarding claim 6, all the claimed subject matters are cited in respect to claim 5 above.

Regarding claim 7, all the claimed subject matters are cited in respect to claim 6 above, and including the lighting assembly 24, see Fig. 1, col. 3, lines 42-55.

Regarding claim 8, all the claimed subject matters are cited in respect to claim 7 above, see col. 3, lines 13-55.

Regarding claim 9, all the claimed subject matters are cited in respect to claim 7 above, see Fig. 1.

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Regarding claim 10, all the claimed subject matters are cited in respect to claim 1 above, and including the electro-optic (the electrochromic mirror elements, see Fig. 1, col. 3, lines 13-33.

Regarding claim 11, all the claimed subject matters are cited in respect to claim 10 above.

Regarding claim 12, all the claimed subject matters are cited in respect to claim 1 above, and including the microcomputer determines the protocol by software processing (the microprocessor control being programmed to the memory, see col. 1, lines 28-34, col. 4, lines 10-13 and col. 7, lines 15-19).

Regarding claim 13, all the claimed subject matters are cited in respect to claim 12 above.

Regarding claim 14, all the claimed subject matters are cited in respect to claim 12 above, and including the vehicle is in motion, see col. 4, lines 53-67.

Regarding claim 15, all the claimed subject matters are cited in respect to claim 1 above, and including the at least one light sensor, and the mirror control establishes a value for the drive signal in response to an output of the at least one light sensor, which

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reads upon the low light condition input 48 for controlling of the mirror actuator 22 and light 28, see Fig. 6, lines 34-48.

Regarding claim 16, all the claimed subject matters are cited in respect to claims 1, 4 and 10 above.

Regarding claim 17, all the claimed subject matters are cited in respect to claims 12 and 16 above.

Regarding claim 18, all the claimed subject matters are cited in respect to claims 12 and 17 above.

Regarding claim 19, all the claimed subject matters are cited in respect to claims 12 and 18 above.

Regarding claim 20, all the claimed subject matters are cited in respect to claims 4 and 17 above.

Regarding claim 21, all the claimed subject matters are cited in respect to claims 2 and 16 above.

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Regarding claim 22, all the claimed subject matters are cited in respect to claims 2, 4 and 21 above.

Regarding claim 23, all the claimed subject matters are cited in respect to claims 4 and 16 above.

Regarding claim 24, all the claimed subject matters are cited in respect to claims 15 and 16 above.

Regarding claim 25, all the claimed subject matters are cited in respect to claims 10 and 16 above.

### ***Conclusion***

3. Claims 26-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Schierbeed** discloses an electrochromic rearview mirror system for a vehicle includes an electronic control having a reverse-inhibit input, which causes microcomputer to



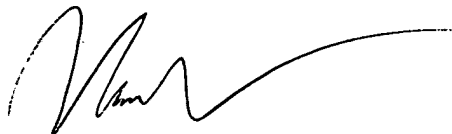
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force output to a low state and output to a high state and thereby bleaches cell when the vehicle is in reverse gear. [US 6,089,721]

**Alten** discloses a variable reflectivity automobile mirror assembly operable by automatic electrical circuitry responsive to variations of incident light upon the mirror and ambient light level. [US 5,064,274]

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long, sweeping horizontal line extending to the right.

**Van Trieu**  
**Primary Examiner**  
**Date: 3/11/05**